

COMES NOW the Defendant, John H. Schneider Jr., M.D., by and through his undersigned attorney and respectfully moves the Court to enter a Protective Order and in support thereof states as follows:

1. This Motion is made pursuant to Fed. R. Civ. P. 26 (b) (1) and (c).

2. Plaintiffs have propounded extensive discovery, by virtue of Interrogatories, particularly Interrogatory 5, and numerous Requests for Production of Documents, which are not relevant to the causes of action pled in Plaintiffs' *Amended Complaint* to-wit: medical negligence and an identified fraudulent transfer. The relevant documents have been produced via *Defendants John Schneider, Jr. MD and Northern Rockies Neurospine, PC's Fourth Supplement to Rule 26(a)(i) Disclosure*. Defendants have also served *Defendant's Answers to Plaintiffs' First Interrogatories* and *Defendant's Response to Plaintiffs' First Request for Production*.

3. It is anticipated that – despite the supplemental disclosures and production of documents – the Plaintiffs will pursue discovery that is not relevant by utilizing the pending Interrogatories and Request for Production of Documents, as well as by deposition.

4. Certain of the requests for documents not produced are subject to confidential settlement agreements, more particularly settlement agreements entered into regarding medical negligence claims. A *Protective Order* is necessary to determine the scope of disclosure, if any, of the confidential documents.

5. A *Protective Order* is necessary to define the scope of the subject matter of discovery – the relevant areas of inquiry as to the alleged fraudulent transfer of \$3,000,000.

6. Pursuant to Rule 26(c)(1), F.R.C.P. and USDCLR 37.1(b), the undersigned certifies that reasonable good faith efforts have been undertaken to resolve the dispute with opposing counsel prior to the filing of the motion. Specifically, counsel participated in a conference call with U.S. Magistrate Judge Kelly Rankin and Plaintiffs' counsel on September 18, 2014, and another conference call with Plaintiffs' counsel on September 19, 2014.

7. Filed herewith is Defendant Schneider's *Brief in Support of Motion for Protective Order*.

WHEREFORE, Defendant Schneider prays the Court enter a *Protective Order* which determines the scope of discovery of the documents and information as to the confidential settlement, limits the scope of discovery as to the fraudulent transfer claim to the allegations in the *Amended Complaint* of the \$3,000,000 fraudulent transfer, and for such other and further relief that the Court may deem meet in the premises.

DATED this 6th day of October, 2014.

John H. Schneider, Jr., MD
Defendant.

/s/ Stephenson D. Emery
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing in Civil Action No. 13-CV-151S was electronically filed, using the electronic filing system this 6th day of October, 2014. The system will send notification of such filing to the registered CM/ECF user at their email addresses.

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